

Wildlife Protection Ordinance

Last Updated Wednesday, 08 August 2007

Prairie Dogs & Wild Birds

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Current Status

On Jan. 18, 2005, City Council adopted a revised prairie dog and bird protection ordinance. The new ordinance went into effect on Feb. 18, 2005.

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New Wildlife Ordinance (973.68 KB)

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New Prairie Dog Lethal Control Permit Application (98.96 KB)

What are the requirements for prairie dog management and control?

The ordinance requires that a landowner obtains a permit from the city before use of any form of lethal control on prairie dogs. In order to obtain a permit the landowner must demonstrate the following:

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A reasonable effort has been made to relocate the prairie dogs to another site.

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The most humane method of lethal control possible will be used.

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The land on which the prairie dogs are located will be developed within 15 months of the date of the application; a principal use of the land will be adversely impacted in a significant manner by the presence of prairie dogs on the site; or established landscaping or an open space feature established and installed will be adversely impacted by the prairie dogs.

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The landowner has an adequate plan designed to prevent the reentry of prairie dogs onto the land after the prairie dogs are lawfully removed.

What is the waiting period for a permit?

The waiting period after the submission of an application is as follows:

Application Phase

Waiting Period

Acceptance of application as complete

Within 60 days

Period between final acceptance and public comment period

Not less than 15 days

Public comment period

60 days

Final determination

Not less than 15 days

Total

Minimum 3-5 months

If the city determines that relocation alternatives exist after this initial 3-5 month period, it may delay issuing the permit for an additional 12 months in order to allow relocation to occur.

What is the cost of a permit?

The basic administrative fee for a permit is \$1,500. An applicant for a prairie dog lethal control permit must also pay a fee of \$1,200 per acre of active prairie dogs habitat lost, prorated for any partial acres of lost habitat.

Can I destroy a prairie dog burrow?

No person may damage a prairie dog burrow unless at least one of the following circumstances exist:

- The burrow is unihabited.
- The burrow is on the property of single-family residence.
- The burrow was damaged in connection with an on-going program pre-approved by the city manager.

What are the requirements for relocation of prairie dogs?

A landowner must provide the city with at least 20 days advance written notice of the initiation of relocation of prairie dogs.

What are the restrictions for lethal control of birds?

No person may poison any wild bird or distribute poison with the intent to poison any wild bird. Nests may be removed from a structure but only if in compliance with the federal Migratory Species Treaty Act. For more information about the federal law and how to obtain a depredation permit, contact the U.S. Fish and Wildlife Service, Division of Migratory Birds, at 303-236-8155.

Boulder's Prairie Dog and Wild Bird Protection History

The history of Boulder's efforts to protect prairie dogs through legislation began in 1999. Concerns about the protection of prairie dogs arose from several incidents in Boulder and in some surrounding communities where large colonies of prairie dogs were poisoned. On Jan. 18, 2000, City Council adopted an ordinance prohibiting the poisoning of prairie dogs. The ordinance was amended on July 3, 2001 to prohibit destruction of active prairie dog burrows.

Wild bird protection in Boulder began in the fall of 2002. The city's wild bird sanctuary ordinance was passed on third reading, Sept. 17, 2002.

In 2003, the city was notified by the Colorado Department of Agriculture that the city's ordinances which prohibit prairie dog and bird poisoning were preempted by state law regarding commercial pesticide applicators. The state's position was that our ordinances need to be either repealed or amended.

Staff has since worked on revising the city's approach to the protection of prairie dogs and birds. A study session was held with City Council in February 2004. At that session, Council endorsed the following "six-step" decision-making protocol for managing prairie dogs and birds on private and public property.

- Minimize conflicts through non-removal methods;
- Remove prairie dogs on only a portion of a site;
- Evaluate the potential for relocation;
- Evaluate the potential for donation to animal recovery programs (which can mean trapping and lethal control or live transfer);
- Evaluate the use of trapping and lethal control through carbon dioxide chambers; and
- If the above steps are not feasible, apply poisons (fumitoxins) to the burrows.

On Jan. 18, 2005, City Council adopted a final wildlife protection ordinance.

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